IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23417 of 2004

Between:

1 Nimmagadda Venkata Krishna Rao, S/o. Sriramulu,
R/o. Gundupalem Village, Machilipatnam Mandal, Krishna District.
2 Nimmagadda Bhagya Laxmi, W/o. N. Venkata Krishna Rao,
R/o. Gundupalem Village, Machilipatnam Mandal, Krishna District.

..... PETITIONER(S)

AND

1 The District Collector, Krishna District, Machilipatnam.
2 The Mandal Revenue Officer, Guduru Mandal, Krishna District.
3 The Member Secretary, A.P. Pollution Control Board, Mythrivanam Complex, Ameerpet, Hyderabad.
4 Boppana Prabhakara Rao, S/o. subbaiah,
R/o.H.No. 26-339-23, Bhaskarapuram, Machilipatnam, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the in action of the respondent authorities 1 to 3 in not taking appropriate action against the 4th respondent is illegal, arbitrary, un-constitutional, and contrary to the law, and consequently direct the respondents 1 to 3 to take action against the 4th respondent for removal of the Prawan tanks situated in an extent of Ac.7-00 covered by R.s.No.1111 of Mallavolu Village, Guduru Mandal, Krishna District, and to pass such other order or orders

Counsel for the Petitioner:MR.G.KRISHNA MURTHY

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for petitioner, learned Government Pleader for Revenue and Mr. S.V.Bhatt, learned counsel for 3rd respondent. All the counsel agreed for disposal of the writ petition at the admission stage.

The present writ petition is filed questioning the action of respondents 1 to 3 in permitting the 4th respondent to carry on the prawn culture/fish culture by converting the agricultural lands into prawn/fish tanks in an extent of Ac.7-00 in R.S.No.1111 of Mallavolu village, Guduru Mandal, Krishna district.

It is submitted by the learned counsel for 3rd respondent Mr.S.V.Bhatt and admitted to by the learned counsel for the petitioner that a similar writ petition being W.P. No. 22726 of 2004, was disposed of a Division Bench of this Court on 14-12-2004.

A Division Bench of this Court, having regard to the allegations made in the writ petition W.P.22726 of 2004 on 14-12-2004 with the following directions:

> *"Having regard to the nature of allegations made in the affidavit filed by the petitioners in support of the writ petition, we consider it appropriate to direct the respondents 1 to 5 herein to treat the affidavit filed in this writ petition as representation for the purpose of making an enquiry into the allegations. That an appropriate enquiry shall be made with reference to the allegations made in the affidavit and take appropriate action in accordance with law. It is needless to observe that respondents 6 to 20 against whom allegations are made shall also be put on notice before taking any decision in the matter. That an appropriate decision shall be taken within six weeks from the date of receipt of a copy of this order. Petitioners shall make further representation along with a copy of this order together with the affidavit in this writ petition, which shall be duly received by official respondents to comply with the directions. There shall be an order accordingly."*

Since the subject-matter and nature of allegations in this writ petition, are identical to

the one dispose of by a Division Bench of this Court in W.P. No. 22726 of 2004, dated 14-12-2004, following the said judgement of the Division Bench, this writ petition is also disposed of in accordance with the directions recorded above. No costs.

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N.V.RAMANA,J

16-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Krishna District, Machilipatnam (with a copy of Order dt.14.12.2004 in W.P.No.22726 of 2004)
2 The Mandal Revenue Officer, Guduru Mandal, Krishna District. (with a copy of Order dt.14.12.2004 in W.P.No.22726 of 2004)
3 The Member Secretary, A.P. Pollution Control Board, Mythrivanam Complex, Ameerpet, Hyderabad. (with a copy of Order dt.14.12.2004 in W.P.No.22726 of 2004)
4 Boppana Prabhakara Rao, S/o. subbaiah, R/o.H.No. 26-339-23, Bhaskarapuram, Machilipatnam, Krishna District. (with a copy of Order dt.14.12.2004 in W.P.No.22726 of 2004)
5. 2CCs to G.P. for Revenue, High Court of A.P buildings, Hyderabad (OUT)

6. 2 CD copies